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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,131	03/30/2001	Carl M. Ellison	42390P8110	6846

8791 7590 05/25/2005

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,131

Applicant(s)

ELLISON ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-13, 15-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 5 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication dated March 10, 2005 with the amendments to claims 1, 9, 11, 18-19 and 21 and the cancellation of claims 8 and 22.

Claims 1-7, 9-21 and 23 are pending.

2. The amendments to the specification and the drawings dated March 10, 2005 has been received and entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Spear (6,611,925), Garrison et al. (EP 1069745 A1) and Walsh et al. (5,956,481).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 9-13,15-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spear (6,611,925) in view of Garrison et al. (EP 1069745 A1).

a) As to claims 1, 11 and 21, Spear discloses a method and system for identifying items after they have been scanned by a virus scanner and for confirming that an item has been previously scanned for computer viruses and has not been altered since it was scanned (col. 2, lines 33-37) comprising a file analyzer to perform a scan operation on an incoming file (col. 6, lines 6-7) and produce a scanning result (col. 2, lines 65-66; i.e. certificates containing scanning result) and a signature generator to produce a digital signature (col. 4, lines 65-66), inclusive of the scanning result, of a digital signature chain, the digital signature chain is verified prior to accessing the incoming file (Fig. 2, elements 212 and 214; i.e. Globally Unique Identifier (GUI) is used to search for a signed certificate).

Spear discloses a time stamp providing information of the scan operation for insertion into the digital signature chain (col. 4, lines 39-46, in particular lines 43-44).

Spear does not disclose without the accompanying digital signature, access to the incoming file is precluded by the file analyzer, he does state a digital signature functions like a hand-written signature does for printed documents (col. 4, lines 57-59).

Garrison discloses each computer file having an associated unique digital signature and only allows access to each computer file if their associated digital signatures are valid (Abstract). Garrison further discloses digital signature is used not only as to 'authentication', guaranteeing that a digitally signed 'document' does in fact originate from the party whose signature the document bears but also as to 'integrity',

guaranteeing that the contents of the document have not been tampered with since the originating party digitally signed the document (page 3, paragraph [0020]).

Both Spear and Garrison disclose the importance of using digital signatures in securely serving computer files.

It would be obvious to one of ordinary skill in the art at the time of the invention to implement the use of preventing access to the incoming file if the file does not have the associated digital signature in the system of Spear as Garrison teaches so as to improve the security of the files.

b) As to claims 2 and 12-13, the examiner uses the same rationale as applied to part of claim 1.

It would be obvious to one of ordinary skill in the art at the time of the invention to implement the use of preventing open to the incoming file if the verified, associated digital signature chain indicates an unacceptable file integrity in the system of Spear so as to improve the security of the files.

c) As to claim 3, Spear discloses the incoming file being opened is an executable program (Abstract) and the same rationale is used as applied to claim 2, the executable program is prevented from being opened, i.e. prevented from being executed.

It would be obvious to one of ordinary skill in the art at the time of the invention to implement the use of preventing execution of the incoming file if the verified, associated digital signature chain indicates an unacceptable file integrity in the system of Spear so as to improve the security of the files.

d) As to claims 4 and 23, Spear discloses the incoming file is accessed if the verified digital signature chain indicates acceptable file integrity (col. 3, lines 26-27).

e) As to claims 6 and 17, Spear discloses the apparatus is employed within a platform coupled to a local area network that a platform providing the incoming file is coupled to (Fig. 1).

f) As to claims 15 and 16, Spear discloses the digital signature chain includes at least one digital signature and at least one certificate (Fig. 2, elements 207, 209) and verifying the digital signature chain includes accessing contents of one certificate to determine if the signatory is authorized (col. 2, lines 61-63) and accessing contents of one digital signature to determine the integrity of the file (col. 4, lines 57-63).

g) As to claim 18, Spear discloses the timing information to identify a time that a scan operation is conducted when checking the file (col. 4, lines 39-46, in particular lines 43-44)

h) As to claim 19, Spear discloses the scanner is one of a virus detector, an intrusion detector, and a file integrity checker (col. 1, lines 7-10; i.e. referred collectively as "computer viruses").

i) As to claim 20, Spear discloses the file contains at least one of a code and a data (col. 1, lines 22-23).

j) As to claims 9-10, the examiner takes official notice that use of a chipset for integrating a second control unit coupled to first control unit is known in the personal computer systems and second control unit (i.e. I/O controller) including a token bus

interface (i.e. an interface connecting to a token device like smart card reader which could be connected via serial port or USB).

Personal computer systems typically include a motherboard for mounting at least one microprocessor and other integrated circuits such as memory controller, I/O controller.

I/O controller includes standard buses like ISA, EISA, AGP, PCI and USB.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of single chip for integrating first and second control unit in the system of Spear and Garrison so as to make a compact circuit and save plug-in slots for other adapter cards in the computer system.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spear (6,611,925) in view of Garrison et al. (EP 1069745 A1) and further in view of Walsh et al. (5,956,481).

Spear discloses the apparatus is employed within a platform coupled to an enterprise network, not a wide area network.

Walsh discloses the apparatus is employed within a platform coupled to a wide area network (Fig.1, elements 20 and 52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of coupling the system to a wide area network in the system of Spear and Garrison as Walsh teaches so as to cover broader area.

***Allowable Subject Matter***

7. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.



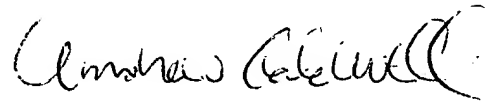
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

mdn  
5/20/05

A handwritten signature in black ink, appearing to read "Andrew Caldwell", written in a cursive style.

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**